

ORDINANCE NO. 379

AN **AMENDMENT TO ORDINANCE 379** OF THE CITY OF CENTER LINE TO AMEND CHAPTER 10, ANIMALS, ARTICLE III, DOGS AND CATS, SECTION 10-66, DANGEROUS AND VICIOUS DOGS, OF THE CODE OF ORDINANCES OF THE CITY OF CENTER LINE.

THE CITY OF CENTER LINE ORDAINS:

Section 10-66. Dangerous and Vicious Dogs of the Code of Ordinances of the City of Center Line is hereby amended to provide:

A. As used in this section:

1. "Dangerous dog" is defined as follows, subject to paragraph A (2):
 - (a) Any dog which has destroyed property or habitually causes damage by trespassing on the property of a person who is not the owner.
 - (b) Any dog which has attacked or bitten a person or domestic animal without provocation.
 - (c) Any dog which has shown vicious habits or has molested a person when lawfully in a public place.
 - (d) Any dog with a propensity, tendency or disposition to cause injury to or otherwise endanger the safety of human beings or domestic animals.
 - (e) Any dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person or domestic animal.
 - (f) Any dog that belongs to a breed that is commonly known as a pit bull dog, Pit Bull Terrier, either an American Staffordshire Terrier, A Staffordshire Bull Terrier or an American Pit Bull Terrier, or of any dog of a mixed or crossbreed with any of such breeds.
2. "Dangerous Dog" does not include the following:
 - (a) A dog that bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.
 - (b) A police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger, any person while

the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.

3. "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause injury to that person.
 4. "Own" or "Keep" means to own, keep, harbor, control, manage, possess, maintain, or have charge or custody of or provide care for.
 5. "Owner" or Keeper" means any person who owns or keeps a dangerous animal.
 6. "Vicious dog" is defined as follows, subject to paragraph A (5):
 - (a) Any dog that has killed or caused serious injury to any person without provocation.
 - (b) Any dog that has killed or caused serious injury to another dog or domestic animal without provocation.
 7. "Vicious Dog" does not include the following:
 - (a) A police dog that has killed or has caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense.
 - (b) A dog that has killed or has caused serious injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of or against the owner, keeper or harborer of the dog.
 8. "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.
- B. Vicious Dogs Prohibited. No person shall harbor or keep any vicious dog within the City of Center Line.
- C. Regulation of Dangerous Dogs. All dangerous dogs, including pit bulls, shall be especially confined and treated as follows:
- (1) Registration. The owner or keeper shall register the dangerous dog with the Public Safety Department. The owner or keeper must establish that all conditions of this ordinance section and any applicable court order have been met. The

registration is valid so long as the dangerous dog is kept on the same premises under the same conditions.

- (2) Identification photographs. The owner or keeper shall provide the Public Safety Department with two color photographs of the dangerous dog which clearly show the color and approximate size of the animal.
- (3) Microchip. The owner or keeper shall, at his or her own expense, have a microchip inserted and activated by an accredited veterinarian with the number registered with the Public Safety Department. The owner or keeper shall also provide the Public Safety Department with a current telephone number.
- (4) Leash and muzzle. No person shall permit a dangerous dog to go outside its kennel or pen unless it is securely leashed with a leash no longer than six feet in length. No such dog shall be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash and physically capable of restraining the animal. Such dogs may not be leashed or tied to inanimate objects. Any such dog on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.
- (5) Confinement. All dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed, muzzled and controlled as provided in subsection C (1) of this section. Such pen, kennel or structure must have secured sides and a secured top attached to the sides. All structures used to confine dangerous dogs must be locked with a key or combination lock when such animals are within the structure. The structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet from the grade. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (6) Confinement indoors. No dangerous dog may be kept on a porch, patio, or any part of a house or structure that would allow the dog to exit such a building. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the house or structure.
- (7) Reporting Requirements. The owner or keeper of a dangerous dog must provide in writing to the Public Safety Department the following:

- (a) Notify the Public Safety Department immediately when the owner or keeper has knowledge that such dog is at large, unconfined, or has attacked an individual or animal.
 - (b) Notify the Public Safety Department within a twenty-four hour period when such dog has died or is removed from the City, or the birth or existence of the animal's offspring within the City.
 - (c) Notify the Public Safety Department within a twenty-four hour period when such dog is sold or given away to another person. The notification shall include the name, address, telephone number and city of the new owner.
- (8) Signs. All owners or handlers of dangerous dogs within the city shall display in a prominent place on the premises and on the pen or kennel a sign stating the word "Beware of Dog". The letters shall be at least three inches in height.
- (9) Insurance. All owners or handlers of dangerous dogs must obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than \$50,000 for bodily injury, death or property damage caused by the dangerous dog.
- (10) Number. No more than one dog of the breed or description determined by this chapter to be dangerous shall be kept on any premises in the city with the exception of puppies, which shall be removed after weaning (generally six weeks of age).
- D. No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to unprovoked attacks upon human beings or domestic animals.
- E. If a law enforcement agent has probable cause to believe that a dangerous dog is being harbored or cared for in violation of any of the provisions of this section, the law enforcement agent may immediately seize or impound the dangerous dog pending trial. such remedy shall be in addition to the penalties provided in Section 10-69.
- F. Any dangerous dog which attacks a human being or another domestic animal may be ordered destroyed when, in the court's judgment, such dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.
- G. Any person found guilty of violating any of the provisions of this section shall pay all expenses, including shelter, food and veterinary expenses,

necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of such dog. Such payment shall be in addition to the penalties provided in Section 10-69.

REPEALER:

Any and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY:

This Ordinance and each section, provision or part thereof are hereby declared to be severable, and should any portion thereof be adjudged invalid or unenforceable by a court of competent jurisdiction, such adjudication shall not affect the remainder of this Ordinance.

This Ordinance shall become effective immediately after the date of its publication as required by the Charter of the City of Center Line.

CITY CLERK'S CERTIFICATION

The foregoing is a true and complete copy of an Ordinance duly adopted by the City Council of the City of Center Line, Michigan, at a Special Council meeting held on July 13, 2009, of which public notice was given pursuant to 1968 P.A. 261, as amended, being MCLA 15.251, et.seq.

MEMBERS PRESENT: Mayor Hanselman, Council Members Mary Hafner, Roy Gillette, Ron Lapham and Nicholas Chakur.

MEMBERS ABSENT: None.

It was moved by Council Member Gillette and supported by Council Member Chakur to adopt the Ordinance.

MEMBERS VOTING AYES: Mayor Hanselman, Council Members Mary Hafner, Roy Gillette, Ron Lapham and Nicholas Chakur.

MEMBERS VOTING NAY: None_____.

MEMBERS ABSENT: None.

ORDINANCE DECLARED ADOPTED.



NANCY L. BOURGEOIS
City Clerk
City of Center Line

Adopted: December 3, 2009
Published: December 16, 2009
Effective: December 17, 2009